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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,530	10/24/2003	David L. Rieschick	291448-00136	2308
3705	7590	06/16/2006	EXAMINER	
ECKERT SEAMANS CHERIN & MELLOTT 600 GRANT STREET 44TH FLOOR PITTSBURGH, PA 15219			MORRISON, THOMAS A	
			ART UNIT	PAPER NUMBER
			3653	

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/693,530	RIESCHICK, DAVID L.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thomas A. Morrison	3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12, 14, 15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12, 14 and 18-21 is/are allowed.
- 6) ☒ Claim(s) 1, 5, 7, 15 and 17 is/are rejected.
- 7) ☒ Claim(s) 2-4, 6 and 8-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The indicated allowability of claims 1-11 is withdrawn in view of the newly discovered reference(s) to Ruch. Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 15 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 15, it is unclear if applicant is trying to claim a method of using a ridge of an elongated member or trying to claim the structure of the elongated member that allows it to be secured to a deliverer.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 15 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Publication No. 20020121738.

Regarding claim 15, Figs. 1-5 disclose a method of transporting a paper sheet (24) from a sheeter to a stacker, the method comprising

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transporting the paper sheet over a ridge (36) on an elongated member; and creating at least one ripple (38) in the paper sheet in the process of transporting the sheet over the ridge, with the ripple being substantially parallel to a direction of travel of the paper sheet (See Fig 2), thereby resisting any tendency of the paper sheet to bend or fly upward while being transported. See also Abstract. Regarding the recitation "an elongated member **having a hook that secures the elongated member to a top plate of a deliverer**" in claim 15, it has been held that to be entitled to weight in method claims, the recited structure limitations therein must affect the method in a manipulative sense, and not to amount to the mere claiming of a use of a particular structure. Ex parte Pfeiffer, 1962 C.D. 408 (1961). It is the examiner's position that the recited hook feature does not affect the transporting step or the creating at least one ripple step of the method of claim 15. As such, this limitation has not been given any patentable weight. Thus, all of the limitations of claim 15 are met by U.S. Patent Publication No. 20020121738.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 20020121738 in view of the numbered paragraphs [0003] and [0004] in the background section of the instant application, and

further in view of U.S. Patent No. 5,194,904 (Ruch). The background section of the instant application has been considered admitted prior art.

Regarding claim 1, Figs. 1-4 of U.S. Patent Publication No. 20020121738 show a paper deliverer (10) for a sheeter, the deliverer having a first set of belts (22) in a first conveyer section (16), a second set of belts (22) in a second conveyer section (18) and a third set of belts (22) in a third conveyer section (20). These conveyer sections (16, 18 and 20) are arranged to be coplanar. See Fig. 4 and the numbered paragraph [0020] of U.S. Patent Publication No. 20020121738.

Also, the rippler (including 28 and 30) defines a ridge (28) structured to cause a paper passing over the rippler (including 28 and 30) to develop a ripple (38) substantially parallel to a direction of movement (MF) within the deliverer. See Fig. 2 for the ripple (38) that is formed parallel to the direction of movement of the sheet. As mentioned above, U.S. Patent Publication No. 20020121738 includes a plurality of conveyer sections with conveyer belts. Thus, U.S. Patent Publication No. 20020121738 does not specifically show first and second sets of vacuum belts and a vacuum roller, as claimed.

However, the numbered paragraph [0003] of the background section of the instant application discloses that it is well known to use a vacuum sheeter as an alternative to belts, in which the vacuum sheeter includes a first set of vacuum belts (line 4 of paragraph [0003]), each belt within the first set having a pair of ends with a pulley at each end (lines 1-2 of paragraph [0003]), and a plurality of apertures defined along the belts (line 3 of paragraph [0003]), and a vacuum chamber disposed below top

surfaces of the first set of vacuum belts (lines 2-3 of paragraph [0003]), structured to provide a suction through the apertures (lines 3-4 of paragraph [0003]);

a vacuum roller (line 5 of paragraph [0003]) disposed adjacent to one end of the first set of vacuum belts. The vacuum roller inherently defines a pair of ends. The vacuum roller defines a hollow interior (line 8 of paragraph [0003]), and at least one row of apertures (lines 6-7 of paragraph [0003]), each row of apertures extending axially down a length of the vacuum roller (lines 6-7 of paragraph [0003]), the vacuum roller further comprising a vacuum fitting in communication with the hollow interior (line 8 of paragraph [0003]); and

a second set of vacuum belts (line 9 of paragraph [0003]) disposed adjacent to the vacuum roller (line 10 of paragraph [0003]), each belt within the second set having a pair of ends with a pulley at each end, and a plurality of apertures defined along the belts. See lines 9-10 of paragraph [0003] which explain that the second set of vacuum belts are similar to the first set but are moving at a slower speed. In addition, the numbered paragraph [0004] of the background section of the instant application clearly explains that using such a vacuum sheeter is beneficial because it eliminates jamming problems. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to replace the belt arrangement (i.e., conveyer sections 16, 18 and 20) of U.S. Patent Publication No. 20020121738 with the vacuum sheeter arrangement (i.e., first set of vacuum belts, vacuum roller, and second set of vacuum belts) of the numbered paragraph [0003] of the background section of the instant application, because this vacuum sheeter arrangement eliminates jamming problems, as taught by

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numbered paragraph [0004] of the background section of the instant application.

Providing the first set of vacuum belts, the vacuum roller and the second set of vacuum belts of numbered paragraph [0003] in place of the aligned and coplanar belt arrangement in Fig. 4 of U.S. Patent Publication No. 20020121738, will result in the vacuum roller being substantially parallel to the pulleys of the first set of vacuum belts, and the second set of vacuum belts being coplanar with the first set of vacuum belts, as claimed.

As mentioned above, U.S. Patent Publication No. 20020121738 shows a rippler (including 28 and 30) located between belts. However, this publication does not specifically show a rippler between each of the belts, as claimed.

The Ruch patent discloses that it is well known to provide a deliverer (Fig. 6) with a plurality of rippers (including 96) that are interdigitated with conveyers (28a) such that there is a rippler (including 96) between each of the conveyers (28a). See, e.g., Fig. 6 and the Abstract. The Abstract explains that such an arrangement performs temporary corrugation to stiffen sheets without crinkling the sheets. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the apparatus of U.S. Patent Publication No. 20020121738 and the admitted prior art of paragraphs [0003] and [0004] of the background section with a rippler between each of the conveyers (i.e., vacuum belts), in order to stiffen sheets without crinkling the sheets, as taught by Ruch.

Regarding claim 5, the combination of U.S. Patent Publication No. 20020121738, the admitted prior art of paragraphs [0003] and [0004] of the background section, and

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Ruch disclose all of the elements of claim 5, except for the number of rows of holes in the vacuum roller. It would have been an obvious matter of design choice to provide the vacuum roller with four rows of holes, since applicant has not disclosed that providing more or less rows of holes solves any stated problem or is for any particular purpose and it appears that the invention would perform equally with more rows of holes. One of ordinary skill in the art would have been motivated to provide four rows of holes to provide sufficient suction to the vacuum roller to convey sheets.

Regarding claim 7, line 14 of paragraph [0003]) discloses a drive means.

***Allowable Subject Matter***

5. Claims 12, 14 and 18-21 are allowed. Claims 2-4,6 and 8-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

06/12/2006

A handwritten signature in black ink that reads "Kathy Matecki". The signature is written in a cursive, flowing style.

**KATHY MATECKI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600**